HUSBAND AND WIFE—ALIENATION OF AFFECTIONS.—In an action brought by a wife against the mother and step-father of her husband for alienating his affections, relief was denied and it was *held* that though the result of the parents' action was the alienation of the husband's affections, yet no recovery could be had if the parents acted in good faith. *Brison* v. *McKellop,* (Okla. 1914) 138 Pac. 154.

"In every suit of this character the prime inquiry is: From what motive did the father act? Was it malicious or was it inspired by a proper parental regard for the welfare and happiness of the child?" *Tucker* v. *Tucker,* 74 Miss. 93, 32 L. R. A. 623. The substance of the foregoing statement is universally recognized as giving the governing principle. *Multer* v. *Knibbs,* 193 Mass. 556, 9 L. R. A. N. S. 322. A parent may not interfere simply because he is displeased with the marriage, or because it was against his will, or because he wishes the marriage relation to cease. But if he acts in good faith and upon reasonable grounds, although his advice turns out to be unfortunate, yet the parent is not liable. *Oakman* v. *Belden,* 94 Me. 280, 80 Am. St. Rep. 396. If the intermeddler is a stranger a more stringent rule is applied. *Barton* v. *Barton,* 119 Mo. App. 507. But at least one court has held that advice honestly given will bar a right to recover damages even from a stranger. *Tasker* v. *Stanley,* 153 Mass. 148, 26 N. E. 417.

MASTER AND SERVANT—FELLOW-SERVANTS AS "APPLIANCES."—In a personal injury suit against the defendant company the question arose as to whether the proximate cause of the injury was the negligence of a fellow-servant, or the negligence of the defendant in failing to supply a sufficient number of workmen to insure the safety of the plaintiff, or the negligence of the defendant in employing and retaining in its service, as a fellow-servant with the plaintiff, one whose character and habits so far unsuited him for employment in the work on which the defendant's servants were engaged as to jeopardize the plaintiff's safety. The laws of South Carolina were pleaded as the basis of the action, the cause having arisen in that state. *Held,* that the laws of that state would govern, and under the rulings of its Supreme Court the term "appliances" includes human agencies, by virtue of which holding, the jury were to determine whether the defendant was liable for the acts of the agent on the ground that unsafe appliances had been furnished, thereby negativing the "fellow-servant" defence. *White* v. *Seabord Air Line Railway,* (Ga. App. 1914) 80 S. E. 667.

An appliance has been defined as anything brought into use as a means to effect some end. *Honaker* v. *Board of Education,* 42 W. Va. 170. Under such a comprehensive meaning, the South Carolina courts are perfectly justified in holding that the term "appliance," as used in the Constitution, Art. 9; Sect. 15, "includes not only inanimate machinery and tools and apparatus, but also the living men or persons needed to operate the machinery." *Bodie* v. *Charleston & W. C. Ry. Co.,* 61 S. C. 468. The same rule has also been pronounced in Wisconsin in *Johnson* v. *Ashland Water Co.,* 71 Wis. 553. In most of the cases in which this point has been considered the question was whether the master is liable for injury to a servant where the number

of servants employed was insufficient to do the work. The authorities have answered in the affirmative in the great majority of cases, considering a sufficient number of workmen collectively as an appliance or instrumentality which the master is bound to make safe. *Jones* v. *Old Dominion Cotton Mills,* 82 Va. 140; *Mad River etc. R. R. Co.* v. *Barber,* 5 Oh. St. 541; *Booth* v. *Boston etc. R. R. Co.,* 73 N. Y. 38. Very seldom in this country, however, has it been determined that an individual laborer, isolated from the body of workmen, is to be considered an appliance or within the clear meaning of that term. *Flike* v. *Boston & Albany R. R. Co.,* 53 N. Y. 549; *Laning* v. *New York Central R. R. Co.,* 49 N. Y. 521; *Whaley* v. *Bartlett,* 42 S. C. 454; *Ohio etc. R. R. Co.* v. *Collarn,* 73 Ind. 261. If such a view is widely adopted, it will be interesting to note to what extent it will affect the defences of contributory negligence and the fellow-servant doctrine under the comparatively recent Compensation and Safety Appliance legislation.

MONOPOLY—COPYRIGHT ACT—SHERMAN ACT.—The plaintiffs conducted a department store in New York City, a large department of which was devoted to books, magazines and pamphlets, and because of their superior business methods they were able to undersell other retail stores. The American Publishers' Association, comprising 75% of the publishers of copyright books, and the American Booksellers' Association, which was composed of practically all the large book dealers, agreed to maintain the prices of books in the trade and to prevent the selling of books to retailers who would undercut the price sought to be maintained by this combination. The plaintiffs continued to cut the prices fixed by this combination, and the defendants, through the means of the aforesaid associations, by various methods made it impossible for plaintiffs to obtain books in the ordinary course of business. The plaintiffs asked that defendants be enjoined from interfering with the purchase and sale of copyright books by the plaintiff; it having been already determined that the agreement as to uncopyrighted books was illegal. *Held,* that the injunction should be granted as the Copyright Act did not take this agreement out of the operation of the Sherman Act. *Straus* v. *American Publishers' Association,* 34 Sup. Ct. 84.

The Sherman Act has a twofold purpose, to permit commerce to flow in its natural course unrestricted and to give to the public the benefits arising from competition. *U. S.* v. *Hopkins,* 82 Fed. 529. The agreements between publishers and sellers in the principal case, not the Copyright Act, created the monopoly which violated the Sherman Act. *U. S. Shoe Machinery Co.* v. *La Chapelle,* 212 Mass. 467, 99 N. E. 289. It seems that a monopoly arising from the Copyright Act alone would be unobjectionable, for the monopoly arising from a patent itself has been declared legal, and is only limited when articles become affected with a public use. *Chesapeake etc. Tel. Co.* v. *Telegraph Co.,* 66 Md. 399. With reference to patents, the owners of different patents in agreeing to restrict competition between themselves are acting beyond those powers conferred upon them by the patent statute. *Nat'l Harrow Co.* v. *Hench,* 83 Fed. 36; *Blount Mfg. Co.* v. *Yale & Towne Mfg. Co.,* 166 Fed. 555, although the contrary is held in *U. S. etc. Seeded Raisin Co.*